

**/IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHER DIVISION**

COTTON STATES MUTUAL
INSURANCE COMPANY,

Plaintiff,

v.

LEE A. SELLARS and
JASON ANDREW DONALD

Defendant.

*

*

*

Civil Action No.: 2:07-cv-868

*

*

*

MOTION FOR DEFAULT JUDGMENT

COME NOW Plaintiff, Cotton States Mutual Insurance Company, moves this Court pursuant to Rule 55 of the Federal Rules of Civil Procedure, to enter a Default Judgment declaring Plaintiff has no obligation to defend or indemnify Defendant Jason Donald in connection with the lawsuit entitled *Rosemary Stanley and Steven Stanley vs. Jason Donald, Lindley Sellars and Lee Sellars*, CV-2008-900137, in the Circuit Court of Baldwin County, Alabama. As grounds for this motion, Plaintiff states as follows:

1. Counsel for Plaintiff and counsel for Defendant Lee Sellars conducted the Parties Planning Meeting pursuant to Federal Rule of Civil Procedure 26(f) on November 14, 2007. Despite several attempts, Plaintiff was unable to contact Defendant Jason Andrew Donald to obtain his participation in the meeting. The Report of Parties Planning Meeting provided that the parties would exchange Initial Disclosures, pursuant to Federal Rule of Civil Procedure 26(a)(1) by November 28, 2007.
2. Counsel for Plaintiff unsuccessfully attempted by telephone and correspondence to obtain the said disclosures from Jason Donald.

3. On February 4, 2008, Plaintiff filed it's Motion to Compel Defendant Jason Donald's responses to Initial Disclosures. The Court entered a Show Cause Order on February 4, 2008, requiring Defendant Jason Donald to show cause as to why the motion should not be granted on or before February 13, 2008. No response was filed.

4. On February 15, 2008, the Court granted Plaintiff's Motion to Compel Defendant Jason Donald's responses to Initial Disclosures. Defendant Jason Donald was ordered to provide his Initial Disclosures on or before February 22, 2008. To date, Defendant Jason Donald has yet to make his Initial Disclosures as required by Rule 26 of the Federal Rules of Civil Procedure and the Order issued by this Court.

WHEREFORE, Plaintiff moves this Honorable Court to enter a Default Judgment against Defendant Jason Donald declaring that Plaintiff has no obligation to defend or indemnify Defendant Jason Donald in connection with the claims asserted by Rosemary Stanley and the lawsuit entitled *Rosemary and Steven Stanley v. Jason Donald, Lindley Sellars, and Lee Sellars*, CV-2008-900137, in the Circuit Court of Baldwin County, Alabama.

Respectfully submitted,

/s/WILLIAM P. BLANTON

Jannea S. Rogers
William P. Blanton
Adams and Reese, LLP
11 N. Water Street
Suite 23200
Mobile, Alabama 36602
251.433.3234
251.438-7733- Fax
jannea.rogers@arlaw.com

CERTIFICATE OF SERVICE

I do hereby certify that I have on this the 7th day of March, 2008 electronically filed the foregoing Corporate Disclosure Statement with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following and that I hereby certify that I have mailed by placing a copy of same in the United States Mail, first-class postage prepaid and properly addressed to those non CM/ECF participants:

William B. Sellars (SEL024)

wsellars@balch.com

Louis M. Calligas (CAL060)

lcalligas@balch.com

Balch & Bingham LLP

P. O. Box 78

Montgomery, Alabama 36101-0078

Jason Andrew Donald

9655 Wilson Road

Elberta, Alabama, 36530

/s/ WILLIAM P. BLANTON
OF COUNSEL